



2018/0170(COD)

3.12.2018

AMENDMENTS

20 - 116

Draft opinion

Monica Macovei

(PE629.629v01-00)

Investigations conducted by the European Anti-Fraud Office (OLAF) as regards cooperation with the European Public Prosecutor's Office and the effectiveness of OLAF investigations

Proposal for a regulation

(COM(2018)0338 – C8-0214/2018 – 2018/0170(COD))

Amendment 20
Maria Grapini

Proposal for a regulation
Recital 2

Text proposed by the Commission

(2) The European Anti-Fraud Office ("the Office") conducts administrative investigations into administrative irregularities as well as into criminal behaviour. At the end of its investigations, it may make judicial recommendations to the national prosecution authorities, aimed at enabling indictments and prosecutions in the Member States. In future, in the Member States participating in the EPPO, it will report suspected criminal offences to the EPPO, and will collaborate with it in the context of its investigations.

Amendment

(2) The European Anti-Fraud Office ("the Office") conducts administrative, ***non-discriminatory and proportional*** investigations into administrative, irregularities as well as into criminal behaviour. At the end of its investigations, it may make judicial recommendations to the national prosecution authorities, aimed at enabling indictments and prosecutions in the Member States. In future, in the Member States participating in the EPPO, it will report suspected criminal offences to the EPPO, and will collaborate with it in the context of its investigations.

Or. en

Amendment 21
Kostas Chrysogonos

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission

Amendment

(2 a) According to the Commission Report on Evaluation of the application of Regulation (EU, Euratom) No 883/2013 the extent to which Regulation 883/2013 makes national law applicable is not completely clear. Different interpretations of the relevant provisions, and differences in national law, lead to a fragmentation in the exercise of OLAF's powers in the Member States, in some cases hindering OLAF's ability to successfully conduct investigations and ultimately to contribute

to the Treaty objective of an effective protection of the financial interests across the Union.

Or. en

Amendment 22
Kostas Chrysogonos

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In view of their common goal to preserve the integrity of the Union budget, the Office and the EPPO should establish and maintain a close relationship based on sincere cooperation and aimed at ensuring the complementarity of their respective mandates and coordination of their action, in particular as regards the scope of the enhanced cooperation for the establishment on the EPPO. Ultimately, the relationship should contribute to ensuring that all means are used to protect the financial interests of the Union and avoiding unnecessary duplication of efforts.

Amendment

(4) In view of their common goal to preserve the integrity of the Union budget, the Office and the EPPO should establish and maintain a close relationship based on sincere cooperation and aimed at ensuring the complementarity of their respective mandates and coordination of their action, in particular as regards the scope of the enhanced cooperation for the establishment on the EPPO. Ultimately, the relationship should contribute to ensuring that all means are used to protect the financial interests of the Union and avoiding unnecessary duplication of efforts.

However, in various cases, the activities of OLAF and the EPPO will not need to be coordinated due to their distinct mandates, with the EPPO conducting criminal investigations and OLAF administrative investigations focusing on financial, disciplinary and administrative follow-up.

Or. en

Amendment 23
Eva Joly

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) In view of their common goal to preserve the integrity of the Union budget, the Office and the EPPO should establish and maintain a close relationship based on sincere cooperation and aimed at ensuring the complementarity of their respective mandates and coordination of their action, in particular as regards the scope of the enhanced cooperation for the establishment on the EPPO. Ultimately, the relationship should contribute to ensuring that all means are used to protect the financial interests of the Union and avoiding unnecessary duplication of efforts.

Amendment

(4) In view of their common goal to preserve the integrity of the Union budget, the Office and the EPPO should establish and maintain a close relationship based on sincere cooperation and aimed at ensuring the complementarity of their respective mandates and coordination of their action, in particular as regards the scope of the enhanced cooperation for the establishment on the EPPO. Ultimately, the relationship should contribute to ensuring that all means are used to protect the financial interests of the Union and avoiding unnecessary duplication of efforts. ***To foster good cooperation, the EPPO and the Office are encouraged to meet on a regular basis, in particular to get an overview of ongoing investigations, so as to identify trends and possible links between cases.***

Or. en

Amendment 24
Kostas Chrysogonos

Proposal for a regulation
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) Once the EPPO is established, OLAF's overall mandate shall not change, but its operation shall be adapted in several ways to the existence of the EPPO. OLAF shall remain competent for the administrative investigation of suspected fraudulent and non-fraudulent irregularities within the Union IBOAs and in all Member States, with a view to issuing recommendations to launch judicial, disciplinary, financial or administrative procedures.

Amendment 25**Louis Michel, Gérard Deprez, Morten Helveg Petersen****Proposal for a regulation****Recital 5***Text proposed by the Commission*

(5) Regulation (EU) 2017/1939 requires the Office, as well as all institutions, bodies, offices and agencies of the Union and competent national authorities, to report to the EPPO without undue delay criminal conduct in respect of which the EPPO may exercise its competence. Since the mandate of the Office is to carry out administrative investigations into fraud, corruption and any other illegal activity affecting the financial interest of the Union, it is ideally placed and equipped to act as a natural partner and privileged source of information for the EPPO.

Amendment

(5) Regulation (EU) 2017/1939 requires the Office, as well as all institutions, bodies, offices and agencies of the Union and competent national authorities, to report to the EPPO without undue delay criminal conduct in respect of which the EPPO may exercise its competence. Since the mandate of the Office is to carry out administrative investigations into fraud, corruption and any other illegal activity affecting the financial interest of the Union, it is ideally placed and equipped to act as a natural partner and privileged source of information for the EPPO. ***This is especially the case when investigations involve Member States that participate in the enhanced cooperation for the creation of the EPPO and Member States that do not.***

Amendment 26**Tomáš Zdechovský****Proposal for a regulation****Recital 6***Text proposed by the Commission*

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by

Amendment

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by

the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, **report** criminal conduct at any stage before or during an investigation.

the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, **notify any** criminal conduct **without undue delay**. ***This notification may be followed by a report, where the EPPO considers necessary. Both the notification and the report should be sent without undue delay*** at any stage before or during an investigation.

Or. en

Amendment 27 **Monica Macovei**

Proposal for a regulation **Recital 6**

Text proposed by the Commission

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, report criminal conduct at any stage before or during an investigation.

Amendment

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO **without undue delay**, the Office should therefore, as the case may be, report criminal conduct at any stage before or during an investigation. ***Information received by the Office should in any case be reported to the EPPO as early as possible.***

Or. en

Amendment 28

Eva Joly

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, **report** criminal conduct at any stage before or during an investigation.

Amendment

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, **immediately notify any criminal conduct and send a report without undue delay. Both the notification and the report should be sent** at any stage before or during an investigation.

Or. en

Amendment 29

Maria Gabriela Zoană

Proposal for a regulation

Recital 6

Text proposed by the Commission

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, **report** criminal conduct at any stage before or during an investigation.

Amendment

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, **inform the EPPO of the criminal conduct through a report. This report may be made** at any stage before or

during an investigation.

Or. en

Amendment 30
Maria Grapini

Proposal for a regulation
Recital 6

Text proposed by the Commission

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, report criminal conduct at any stage before or during an investigation.

Amendment

(6) Elements pointing to possible criminal conduct falling within the competence of the EPPO may, in practice, be present in initial allegations received by the Office or may emerge only in the course of an administrative investigation opened by the Office on the grounds of ***information verified*** suspicion of administrative irregularity. In order to comply with its duty to report to the EPPO, the Office should therefore, as the case may be, report criminal conduct at any stage before or during an investigation.

Or. en

Amendment 31
Tomáš Zdechovský

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. The Office may need to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct this evaluation expeditiously and through

Amendment

(7) ***In order to enhance the effectiveness of notifying and reporting any criminal case, the content of the report must be in conformity with rules laid down by the Regulation (EU) 2017/1939.***

means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, it should report to the EPPO where a suspicion of an offence within its competence is identified.

Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. The Office may need to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct this evaluation expeditiously and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, it should report to the EPPO where a suspicion of an offence within its competence is identified.

Or. en

Amendment 32
Monica Macovei

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. The Office may need to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct this evaluation expeditiously and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, it should report to the EPPO where a suspicion of an offence within its competence is identified.

Amendment

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. ***In addition to these elements, the Office should transmit to the EPPO all information available to it.*** The Office may need to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct this evaluation ***as expeditiously as possible*** and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, it should report to the EPPO where a suspicion of an offence within its

competence is identified.

Or. en

Amendment 33

Maria Gabriela Zoană

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. The Office **may need** to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct this evaluation expeditiously and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, **it should** report to the EPPO where a suspicion of an offence within its competence is identified.

Amendment

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. **It is necessary for** the Office to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct this evaluation expeditiously and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, **the Office must** report to the EPPO where a suspicion of an offence within its competence is identified.

Or. en

Amendment 34

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. The Office may need to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct

Amendment

(7) Regulation (EU) 2017/1939 specifies the minimum elements that, as a rule, reports should contain. The Office may need to conduct a preliminary evaluation of allegations to ascertain these elements and collect the necessary information. The Office should conduct

this evaluation expeditiously and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, it should report to the EPPO where a suspicion of an offence within its competence is identified.

this evaluation expeditiously and through means which do not risk jeopardising a possible future criminal investigation. Upon completion of its evaluation, it should ***immediately*** report to the EPPO where a suspicion of an offence within its competence is identified.

Or. en

Amendment 35
Monica Macovei

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In consideration of the Office's expertise, the institutions, bodies, offices and agencies of the Union should have the choice to make use of the Office to conduct such preliminary evaluation of allegations reported to them.

Amendment

(8) In consideration of the Office's expertise, the institutions, bodies, offices and agencies of the Union should have the choice to make use of the Office to conduct such preliminary evaluation of allegations reported to them, ***in cases where they are not able to perform this assessment. This should not delay timely reporting to the EPPO.***

Or. en

Amendment 36
Tomáš Zdechovský

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In conformity with Regulation (EU) 2017/1939, the Office should in principle not open an administrative investigation parallel to an investigation conducted by the EPPO into the same facts. However, in certain cases, the protection of the Union's

Amendment

(9) In conformity with Regulation (EU) 2017/1939, the Office should in principle not open an administrative investigation parallel to an investigation conducted by the EPPO into the same facts. ***Such investigations should only be carried out***

financial interests may require that the Office carry out a complementary administrative investigation before the conclusion of criminal proceedings initiated by the EPPO with the purpose of ascertaining whether precautionary measures are necessary, or financial, disciplinary or administrative action should be taken. These complementary investigations may be appropriate, *inter alia*, when necessary to recover amounts due to the Union budget subject to specific time-barring rules, when the amounts at risk are very high, or where there is the need to avoid further expenditure in risk situations through administrative measures.

upon agreement of the EPPO. However, in certain cases, the protection of the Union's financial interests may require that the Office carry out a complementary administrative investigation before the conclusion of criminal proceedings initiated by the EPPO with the purpose of ascertaining whether precautionary measures are necessary, or financial, disciplinary or administrative action should be taken. These complementary investigations may be appropriate, *inter alia*, when necessary to recover amounts due to the Union budget subject to specific time-barring rules, when the amounts at risk are very high, or where there is the need to avoid further expenditure in risk situations through administrative measures. ***Such investigations can be carried out upon mere inaction of EPPO.***

Or. en

Amendment 37
Maria Gabriela Zoană

Proposal for a regulation
Recital 9

Text proposed by the Commission

(9) In conformity with Regulation (EU) 2017/1939, the Office should in principle not open an administrative investigation parallel to an investigation conducted by the EPPO into the same facts. However, in certain cases, the protection of the Union's financial interests may require that the Office carry out a complementary administrative investigation before the conclusion of criminal proceedings initiated by the EPPO with the purpose of ascertaining whether precautionary measures are necessary, or financial, disciplinary or administrative action should be taken. These complementary

Amendment

(9) In conformity with Regulation (EU) 2017/1939, the Office should in principle not open an administrative investigation parallel to an investigation conducted by the EPPO into the same facts. However, in certain cases, the protection of the Union's financial interests may require that the Office carry out a complementary administrative investigation before the conclusion of criminal proceedings initiated by the EPPO with the purpose of ascertaining whether precautionary measures are necessary, or financial, disciplinary or administrative action should be taken. ***Due to complementarity, such***

investigations may be appropriate, inter alia, when necessary to recover amounts due to the Union budget subject to specific time-barring rules, when the amounts at risk are very high, or where there is the need to avoid further expenditure in risk situations through administrative measures.

complementary administrative investigations should only be carried out with EPPO approval. These complementary investigations may be appropriate, inter alia, when necessary to recover amounts due to the Union budget subject to specific time-barring rules, when the amounts at risk are very high, or where there is the need to avoid further expenditure in risk situations through administrative measures.

Or. en

Amendment 38
Maria Grapini

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Regulation (EU) 2017/1939 provides that the EPPO may request such complementary investigations to the Office. In cases where the EPPO does not request it, such a complementary investigation should also be possible on the initiative of the Office, under certain conditions. In particular, the EPPO should be able to object to the opening or continuation of an investigation by the Office, or to the performance of specific acts of investigation by it. The reasons for this objection should be based on the need to protect the effectiveness of the EPPO's investigation and should be proportionate to this aim. The Office should refrain from performing the action on which the EPPO raised an objection. If the EPPO does not object, the Office investigation should be conducted in close consultation with the EPPO.

Amendment

(10) Regulation (EU) 2017/1939 provides that the EPPO may request such complementary investigations to the Office. In cases where the EPPO does not request it, such a complementary investigation should also be possible on the initiative of the Office, under certain conditions, ***after the consultation with EPPO.*** In particular, the EPPO should be able to object to the opening or continuation of an investigation by the Office, or to the performance of specific acts of investigation by it. The reasons for this objection should be based on the need to protect the effectiveness of the EPPO's investigation and should be proportionate to this aim. The Office should refrain from performing the action on which the EPPO raised an objection. If the EPPO does not object, the Office investigation should be conducted in close consultation with the EPPO.

Or. en

Amendment 39
Maria Gabriela Zoană

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Regulation (EU) 2017/1939 provides that the EPPO may request such complementary investigations to the Office. In cases where the EPPO does not request it, such a complementary investigation should also be possible on the initiative of the Office, under certain conditions. In particular, the EPPO should be able to object to the opening or continuation of an investigation by the Office, or to the performance of specific acts of investigation by it. The reasons for this objection should be based on the need to protect the effectiveness of the EPPO's investigation and should be proportionate to this aim. The Office should refrain from performing the action on which the EPPO raised an objection. If the EPPO does not object, the Office investigation should be conducted in close consultation with the EPPO.

Amendment

(10) Regulation (EU) 2017/1939 provides that the EPPO may request such complementary investigations to the Office. In cases where the EPPO does not request it, such a complementary investigation should also be possible on the initiative of the Office, under certain **concise** conditions. In particular, the EPPO should be able to object to the opening or continuation of an investigation by the Office, or to the performance of specific acts of investigation by it. The reasons for this objection should be based on the need to protect the effectiveness of the EPPO's investigation and should be proportionate to this aim. The Office should refrain from performing the action on which the EPPO raised an objection. If the EPPO does not object, the Office investigation should be conducted in close consultation with the EPPO.

Or. en

Amendment 40
Maria Grapini

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) The Office should actively support the EPPO in its investigations. In this regard, the EPPO may request the Office to support or complement its criminal

Amendment

(11) The Office should actively support the EPPO in its investigations. In this regard, the EPPO may request the Office to support or complement its criminal

investigations through the exercise of powers under this Regulation. In these cases the Office should perform these operations within the limits of its powers and within the framework provided for in this Regulation.

investigations through the exercise of powers under this Regulation. In these cases the Office should perform these operations within the limits of its powers and within the framework provided for in this Regulation, *with respect to the national legislation of the state in which the investigations are conducted.*

Or. en

Amendment 41

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) To ensure effective coordination between the Office and the EPPO, information should be exchanged between them on a continuous basis. The exchange of information in the stages prior to the opening of investigations by the Office and the EPPO is particularly relevant to ensure proper coordination between the respective actions and avoid duplication. The Office and the EPPO should specify the modalities and conditions of this exchange of information in their working arrangements.

Amendment

(12) To ensure effective coordination between the Office and the EPPO, information should be exchanged between them on a continuous basis. The exchange of information in the stages prior to the opening of investigations by the Office and the EPPO is particularly relevant to ensure proper coordination between the respective actions and avoid duplication. The Office and the EPPO should specify the modalities and conditions of this exchange of information in their working arrangements. *The Director General of the Office and the European Chief Public Prosecutor should meet on a regular basis to discuss matters of common interest.*

Or. en

Amendment 42

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) In situations where the Office needs to rely on the assistance of the national competent authorities, particularly in cases where an economic operator opposes an on-the-spot check and inspection, Member States should ensure that the Office's action is effective, and should provide the necessary assistance in accordance with the relevant rules of national procedural law.

Amendment

(19) In situations where the Office needs to rely on the assistance of the national competent authorities, particularly in cases where an economic operator opposes an on-the-spot check and inspection, Member States should ensure that the Office's action is effective, and should provide ***without undue delay*** the necessary assistance in accordance with the relevant rules of national procedural law.

Or. en

Amendment 43

Eva Joly

Proposal for a regulation

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) Persons reporting crimes and infringements related to the EU's financial interests to the Office should be fully protected, in particular through the relevant EU provisions on the protection of whistleblowers.

Or. en

Amendment 44

Sylvia-Yvonne Kaufmann

Proposal for a regulation

Recital 24

Text proposed by the Commission

Amendment

(24) In internal investigations and, where necessary, in external investigations the Office has access to any relevant information held by the institutions, bodies,

(24) In internal investigations and, where necessary, in external investigations the Office has access to any relevant information held by the institutions, bodies,

offices and agencies. It is necessary, as suggested by the Commission evaluation, to clarify that this access should be possible *irrespective of the medium on which this information or data is stored*, in order to reflect evolving technological progress.

offices and agencies. It is necessary, as suggested by the Commission evaluation, to clarify that this access should be possible, in order to reflect evolving technological progress.

Or. en

Amendment 45 **Maria Grapini**

Proposal for a regulation **Recital 26**

Text proposed by the Commission

(26) The Office should dispose of the necessary means to follow the *money trail* in order to uncover the modus operandi typical of many fraudulent conducts. Today, it is able to obtain banking information relevant for its investigative activity held by credit institutions in a number of Member States, through cooperation with and assistance by the national authorities. To ensure an effective approach throughout the Union, the Regulation should specify the duty of competent national authorities to provide information on bank and payments accounts to the Office, as part of their general duty to assist it. This cooperation should, as a rule, take place through the Financial Intelligence Units in the Member States. When giving this assistance to the Office, the national authorities should act in compliance with the relevant provisions of procedural law provided for in the national legislation of the Member State concerned.

Amendment

(26) The Office should dispose of the necessary means to follow the *financial transactions path* in order to uncover the modus operandi typical of many fraudulent conducts. Today, it is able to obtain banking information relevant for its investigative activity held by credit institutions in a number of Member States, through cooperation with and assistance by the national authorities. To ensure an effective approach throughout the Union, the Regulation should specify the duty of competent national authorities to provide information on bank and payments accounts to the Office, as part of their general duty to assist it. This cooperation should, as a rule, take place through the Financial Intelligence Units in the Member States. When giving this assistance to the Office, the national authorities should act in compliance with the relevant provisions of procedural law provided for in the national legislation of the Member State concerned.

Or. en

Amendment 46
Maria Grapini

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) The early transmission of information by the Office for the purpose of adopting precautionary measures is an essential tool for the protection of the Union's financial interests. In order to ensure close cooperation in this regard between the Office and the institutions, offices, bodies and agencies of the Union, it is appropriate that the latter have the possibility to consult at any time the Office with a view to deciding on any appropriate precautionary measures, including measures for the safeguarding of evidence.

Amendment

(27) The early transmission of information by the Office for the purpose of adopting precautionary measures, ***in order to recover the potential caused prejudice***, is an essential tool for the protection of the Union's financial interests. In order to ensure close cooperation in this regard between the Office and the institutions, offices, bodies and agencies of the Union, it is appropriate that the latter have the possibility to consult at any time the Office with a view to deciding on any appropriate precautionary measures, including measures for the safeguarding of evidence.

Or. en

Amendment 47
Kostas Chrysogonos

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) The early transmission of information by the Office for the purpose of adopting precautionary measures is an essential tool for the protection of the Union's financial interests. In order to ensure close cooperation in this regard between the Office and the institutions, offices, bodies and agencies of the Union, it is appropriate that the latter have the possibility to consult at any time the Office with a view to deciding on any appropriate precautionary measures, including

Amendment

(27) The early ***and without delay*** transmission of information by the Office for the purpose of adopting precautionary measures is an essential tool for the protection of the Union's financial interests. In order to ensure close cooperation in this regard between the Office and the institutions, offices, bodies and agencies of the Union, it is appropriate that the latter have the possibility to consult at any time the Office with a view to deciding on any appropriate precautionary

measures for the safeguarding of evidence.

measures, including measures for the safeguarding of evidence.

Or. en

Amendment 48

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Recital 32 a (new)

Text proposed by the Commission

Amendment

(32 a) The competent authorities of the Member States shall give the necessary assistance to the Office to fulfil their tasks. When the Office makes judicial recommendations to the national prosecution authorities of a Member State and no follow-up is made, the Member State should justify its decision to the Office. Once a year, the Office should draw up a report in order to give an account of the assistance provided by the Member States and on the follow-up of the judicial recommendations.

Or. en

Amendment 49

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Recital 32 b (new)

Text proposed by the Commission

Amendment

(32 b) A fundamental rights officer should be appointed among the members of the Supervisory Committee. The fundamental rights officer should monitor the compliance of the Office with fundamental rights and procedural guarantees.

Amendment 50

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Recital 35 a (new)

Text proposed by the Commission

Amendment

(35 a) By 31 December 2022, the Commission should evaluate the application of this Regulation and in particular the efficiency of the cooperation between the Office and the EPPO.

Amendment 51

Sylvia-Yvonne Kaufmann

Proposal for a regulation

Article 1 – paragraph 1 – point -1 (new)

Regulation (EU, Euratom) No 883/2013

Article 1 – paragraph 3

Present text

Amendment

3. This Regulation shall apply without prejudice to: (a) Protocol No 7 on the privileges and immunities of the European Union attached to the Treaty on European Union and to the Treaty on the Functioning of the European Union; (b) the Statute for Members of the European Parliament; (c) the Staff Regulations; (d) Regulation (EC) No 45/2001.

(-1) in Article 1, paragraph 3 is amended as follows:

"3. This Regulation shall apply without prejudice to: (a) Protocol No 7 on the privileges and immunities of the European Union attached to the Treaty on European Union and to the Treaty on the Functioning of the European Union; (b) the Statute for Members of the European Parliament; (c) the Staff Regulations; (d) Regulation (EC) No 45/2001 ***and Regulation (EU) 2016/679.***"

Amendment 52

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 2

Text proposed by the Commission

2. On-the-spot checks and inspections shall be conducted in accordance with this Regulation and, to the extent that a matter is not covered by this Regulation, with Regulation (Euratom, EC) No 2185/96.

Amendment

2. On-the-spot checks and inspections ***may be conducted without prior notice and*** shall be conducted in accordance with this Regulation and, to the extent that a matter is not covered by this Regulation, with Regulation (Euratom, EC) No 2185/96.

Or. en

Amendment 53

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 5

Text proposed by the Commission

5. In the exercise of these powers, the Office shall comply with the procedural guarantees provided for in this Regulation and in Regulation (Euratom, EC) No 2185/96. In the conduct of an on-the-spot check and inspection, the economic operator concerned shall have the right ***not to make self-incriminating statements and*** to be assisted by a person of choice. When making statements during the on the spot checks, the economic operator shall be provided with the possibility to use any of the official languages of the Member State

Amendment

5. In the exercise of these powers, the Office shall comply with the procedural guarantees provided for in this Regulation and in Regulation (Euratom, EC) No 2185/96. In the conduct of an on-the-spot check and inspection, the economic operator concerned shall have the right to be assisted by a person of choice. When making statements during the on the spot checks, the economic operator shall be provided with the possibility to use any of the official languages of the Member State where he is located. The right to be assisted

where he is located. The right to be assisted by a person of choice shall not prevent access by the Office to the premises of the economic operator, and shall not unduly delay the start of the check.

by a person of choice shall not prevent access by the Office to the premises of the economic operator, and shall not unduly delay the start of the check.

Or. en

Amendment 54

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 6 – subparagraph 1

Text proposed by the Commission

At the request of the Office, the competent authority of the Member State concerned shall provide the staff of the Office with the assistance needed in order to carry out their tasks effectively, as specified in the written authorisation referred to in Article 7(2).

Amendment

At the request of the Office, the competent authority of the Member State concerned shall, ***without undue delay***, provide the staff of the Office with the assistance needed in order to carry out their tasks effectively, as specified in the written authorisation referred to in Article 7(2).

Or. en

Amendment 55

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 6 – subparagraph 1

Text proposed by the Commission

At the request of the Office, the competent authority of the Member State concerned shall provide the staff of the Office with the assistance needed in order to carry out their tasks effectively, as specified in the written authorisation referred to in Article

Amendment

At the request of the Office, the competent authority of the Member State concerned shall provide ***without delay*** the staff of the Office with the assistance needed in order to carry out their tasks effectively, as specified in the written authorisation

7(2).

referred to in Article 7(2).

Or. en

Amendment 56

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office are allowed access to all information and documents relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspection to be carried out effectively and efficiently, and that they are able to assume custody of documents or data to ensure that there is no danger of their disappearance.

Amendment

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office are allowed access to all information and documents relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspection to be carried out effectively and efficiently, and that they are able to assume custody of documents or data to ensure that there is no danger of their disappearance. ***The fundamental rights, and in particular the right to privacy, shall be fully respected.***

Or. en

Amendment 57

Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office

Amendment

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office

are allowed access to all information and documents relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspection to be carried out effectively and efficiently, and that they are able to assume custody of documents or data to ensure that there is no danger of their disappearance.

are allowed access to all information and documents relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspection to be carried out effectively and efficiently, and that they are able to assume custody of documents or data to ensure that there is no danger of their disappearance ***or the danger of blocking the economic operator's activity.***

Or. en

Amendment 58

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 6 – subparagraph 2

Text proposed by the Commission

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office are allowed access to all information and documents relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspection to be carried out effectively and efficiently, and that they are able to assume custody of documents or data to ensure that there is no danger of their disappearance.

Amendment

The Member State concerned shall ensure, in accordance with Regulation (Euratom, EC) No 2185/96, that the staff of the Office are allowed access to all information and documents relating to the matter under investigation which prove necessary in order for the on-the-spot checks and inspection to be carried out effectively and efficiently, and that they are able to assume custody of documents or data ***during the time necessary*** to ensure that there is no danger of their disappearance.

Or. en

Amendment 59

Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Where the staff of the Office finds that an economic operator resists an on-the-spot check or inspection authorised pursuant to this Regulation, the Member State concerned shall afford them the necessary assistance of law enforcement authorities so as to enable the Office to conduct its on-the-spot check or inspection effectively and without undue delay.

Amendment

Where the staff of the Office finds that an economic operator resists an on-the-spot check or inspection authorised pursuant to this Regulation, the Member State concerned shall afford them the necessary assistance of law enforcement authorities so as to enable the Office to conduct its on-the-spot check or inspection effectively and without undue delay , ***with respect , at the same time,of the national legislation***

Or. en

Amendment 60
Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 9

Text proposed by the Commission

9. During an external investigation, the Office may have access to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. For that purpose Article 4(2) and (4) shall apply.

Amendment

9. During an external investigation, the Office may have access to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union, ***whilst respecting the confidentiality of the investigations, the legitimate rights of the persons concerned and, where appropriate, national provisions applicable to judicial proceedings***. For that purpose Article 4(2) and (4) shall apply.

Or. en

Amendment 61

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 9

Text proposed by the Commission

9. During an external investigation, the Office may have access to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. For that purpose Article 4(2) and (4) shall apply.

Amendment

9. During an external investigation, the Office may have access ***without undue delay*** to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union. For that purpose Article 4(2) and (4) shall apply.

Or. en

Amendment 62

Sylvia-Yvonne Kaufmann

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 9

Text proposed by the Commission

9. During an external investigation, the Office may have access to any relevant information and data, ***irrespective of the medium on which it is stored***, held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity

Amendment

9. During an external investigation, the Office may have access to any relevant information and data held by the institutions, bodies, offices and agencies, connected with the matter under investigation, where necessary in order to establish whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the

affecting the financial interests of the Union. For that purpose Article 4(2) and (4) shall apply.

Union. For that purpose Article 4(2) and (4) shall apply.

Or. en

Amendment 63

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 3

Regulation (EU, Euratom) No 883/2013

Article 3 – paragraph 10 – subparagraph 1

Text proposed by the Commission

Without prejudice to Article 12c(1), where, before a decision has been taken whether or not to open an external investigation, the Office handles information which suggests that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union, it may inform the competent authorities of the Member States concerned and, where necessary, the institutions, bodies, offices and agencies concerned.

Amendment

Without prejudice to Article 12c(1), where, before a decision has been taken whether or not to open an external investigation, the Office handles information which suggests that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union, it may inform the competent authorities of the Member States concerned and, where necessary, the institutions, bodies, offices and agencies concerned. *Upon request, the competent authorities of the Member States concerned and/or the institution, body, office or agency concerned shall inform the Office of any action taken and of its findings on the basis of such information*

Or. en

Amendment 64

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EU, Euratom) No 883/2013

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) the Office shall have the right of immediate and unannounced access to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, and to their premises. The Office shall be empowered to inspect the accounts of the institutions, bodies, offices and agencies. The Office may take a copy of, and obtain extracts from, any document or the contents of any data medium held by the institutions, bodies, offices and agencies and, if necessary, assume custody of such documents or data to ensure that there is no danger of their disappearance;

Amendment

(a) the Office shall have the right of immediate and unannounced access to any relevant information and data, irrespective of the medium on which it is stored, held by the institutions, bodies, offices and agencies, and to their premises. The Office shall be empowered to inspect the accounts of the institutions, bodies, offices and agencies. The Office may take a copy of, and obtain extracts from, any document or the contents of any data medium held by the institutions, bodies, offices and agencies and, if necessary, assume custody of such documents or data ***during the time necessary*** to ensure that there is no danger of their disappearance;

Or. en

Amendment 65

Sylvia-Yvonne Kaufmann

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point a

Regulation (EU, Euratom) No 883/2013

Article 4 – paragraph 2 – point a

Text proposed by the Commission

(a) the Office shall have the right of immediate and unannounced access to any relevant information and data, ***irrespective of the medium on which it is stored***, held by the institutions, bodies, offices and agencies, and to their premises. The Office shall be empowered to inspect the accounts of the institutions, bodies, offices and agencies. The Office may take a copy of, and obtain extracts from, any document or the contents of any data medium held by the institutions, bodies, offices and agencies and, if necessary, assume custody of such documents or data to ensure that there is no danger of their disappearance;

Amendment

(a) the Office shall have the right of immediate and unannounced access to any relevant information and data held by the institutions, bodies, offices and agencies, and to their premises. The Office shall be empowered to inspect the accounts of the institutions, bodies, offices and agencies. The Office may take a copy of, and obtain extracts from, any document or the contents of any data medium held by the institutions, bodies, offices and agencies and, if necessary, assume custody of such documents or data to ensure that there is no danger of their disappearance;

Amendment 66

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 4 – point b

Regulation (EU, Euratom) No 883/2013

Article 4 – paragraph 3

Text proposed by the Commission

3. In accordance with Article 3, the Office may carry out on-the-spot checks and inspections at the premises of economic operators in order to obtain access to information relevant to the matter under internal investigation.;

Amendment

3. In accordance with Article 3, the Office may carry out, ***without prior notice***, on-the-spot checks and inspections at the premises of economic operators in order to obtain access to information relevant to the matter under internal investigation.;

Or. en

Amendment 67

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a

Regulation (EU, Euratom) No 883/2013

Article 5 – paragraph 1

Text proposed by the Commission

Without prejudice to Article 12d, the Director-General may open an investigation when there is a sufficient suspicion, which may also be based on information provided by any third party or anonymous information, that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.;

Amendment

Without prejudice to Article 12d, the Director-General may open an investigation when there is a sufficient suspicion ***or when there are strong indications***, which may also be based on information provided by any third party or anonymous information, that there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union.;

Or. en

Amendment 68

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 5 – point a a (new)

Regulation (EU, Euratom) No 883/2013

Article 5 – paragraph 2

Present text

The decision to open an internal investigation shall be taken by the Director-General, acting on his own initiative or following a request from the institution, body, office or agency within which the investigation is to be conducted or from a Member State.

Amendment

(a a) in paragraph 2, the second sentence is replaced by the following:

"The decision to open an internal investigation shall be taken by the Director-General, acting on his own initiative or following a request from ***the EPPO or*** the institution, body, office or agency within which the investigation is to be conducted or from a Member State."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0883>)

Amendment 69

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point a a (new)

Regulation (EU, Euratom) No 883/2013

Article 7 – paragraph 3

Present text

The institutions, bodies, offices and agencies shall ensure that their officials, other servants, members, heads and staff members provide the necessary assistance to enable the staff of the Office to fulfil their tasks effectively.

Amendment

(a a) in paragraph 3, the second subparagraph is replaced by the following:

"The institutions, bodies, offices and agencies shall ensure that their officials, other servants, members, heads and staff members provide the necessary assistance to enable the staff of the Office to fulfil their tasks ***in accordance with this Regulation*** effectively ***and without undue***

delay."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0883>)

Amendment 70

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 6 – point d

Regulation (EU, Euratom) No 883/2013

Article 7 – paragraph 6

Text proposed by the Commission

In addition to the first subparagraph, the institution, body, office or agency concerned may at any time consult the Office with a view to taking, in close cooperation with the Office, any appropriate precautionary measures, including measures for the safeguarding of evidence, and shall inform the Office without delay of such decision.;

Amendment

In addition to the first subparagraph, the institution, body, office or agency concerned may at any time consult the Office with a view to taking, in close cooperation with the Office, any appropriate precautionary measures, including measures for the safeguarding of evidence, and shall inform the Office without delay of such decision. ***The Office shall cooperate constructively and in full synergy with the institution body, office or agency concerned;***

Or. en

Amendment 71

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point a

Regulation (EU, Euratom) No 883/2013

Article 8 – paragraph 1

Text proposed by the Commission

Where the institutions, bodies, offices and agencies report to the EPPO in accordance with Article 24 of Regulation (EU) 2017/1939, they may instead transmit to

Amendment

Where the institutions, bodies, offices and agencies report to the EPPO in accordance with Article 24 of Regulation (EU) 2017/1939, they may instead transmit to

the Office a copy of the report sent to the EPPO.;

the Office a copy of the report sent to the EPPO *and provide notice to the EPPO of such a transmission.*;

Or. en

Amendment 72
Kostas Chrysogonos

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point b
Regulation (EU, Euratom) No 883/2013
Article 8 – paragraph 2 – subparagraph 1

Text proposed by the Commission

The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of the Member States shall, at the request of the Office or on their own initiative, transmit to the Office any document or information they hold which relates to an ongoing investigation by the Office.

Amendment

The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of the Member States shall, at the request of the Office or on their own initiative, transmit *without delay* to the Office any document or information they hold which relates to an ongoing investigation by the Office.

Or. en

Amendment 73
Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation
Article 1 – paragraph 1 – point 7 – point b
Regulation (EU, Euratom) No 883/2013
Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Prior to the opening of an investigation, they shall transmit, at the request of the Office, any document or information they hold which is necessary to assess the allegations or to apply the criteria for opening an investigation as set out in Article 5(1).;

Amendment

Prior to the opening of an investigation, they shall transmit, at the request of the Office *or on their own initiative*, any document or information they hold which is necessary to assess the allegations or to apply the criteria for opening an investigation as set out in Article 5(1).;

Amendment 74

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point c

Regulation (EU, Euratom) No 883/2013

Article 8 – paragraph 3

Text proposed by the Commission

3. The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of the Member States shall transmit to the Office any other document or information considered pertinent which they hold relating to the fight against fraud, corruption and any other illegal activity affecting the financial interests of the Union.;

Amendment

3. The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of the Member States shall transmit to the Office, ***at the request of the Office or on their own initiative***, any other document or information considered pertinent which they hold relating to the fight against fraud, corruption and any other illegal activity affecting the financial interests of the Union.;

Amendment 75

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 7 – point c

Regulation (EU, Euratom) No 883/2013

Article 8 – paragraph 3

Text proposed by the Commission

3. The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of the Member States shall transmit to the Office any other document or information considered pertinent which they hold relating to the fight against fraud, corruption and any other illegal activity affecting the financial interests of the

Amendment

3. The institutions, bodies, offices and agencies and, unless prevented by national law, the competent authorities of the Member States shall transmit ***without delay*** to the Office any other document or information considered pertinent which they hold relating to the fight against fraud, corruption and any other illegal activity affecting the financial interests of the

Union.;

Union.;

Or. en

Amendment 76

Kostas Chrysogonos

Proposal for a regulation

Article 1 – paragraph 1 – point 8 – point a a (new)

Regulation (EU, Euratom) No 883/2013

Article 9 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(a a) the following paragraph 5a is added:

"The investigative acts carried out by OLAF are subject to judicial review by the Court of Justice pursuant to Article 263 TFEU."

Or. en

Amendment 77

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EU, Euratom) No 883/2013

Article 10 – paragraph 5

Present text

Amendment

The Director-General shall ensure that any information provided to the public is given neutrally and impartially, and that its disclosure respects the confidentiality of investigations and complies with the principles set out in this Article and in Article 9(1).

(a a) In paragraph 5, the first subparagraph is replaced by the following:

"The Director-General shall ensure that any information provided to the public is given neutrally and impartially, and that its disclosure respects the **data protection requirements**, the confidentiality of investigations and complies with the principles set out in this Article and in

Article 9(1)."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0883>)

Amendment 78

Eva Joly

Proposal for a regulation

Article 1 – paragraph 1 – point 9 – point a a (new)

Regulation (EU, Euratom) No 883/2013

Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

(a a) the following paragraph 5a is added:

"Persons reporting crimes and infringements related to the EU's financial interests to the Office shall be fully protected, in particular through European legislation regarding the protection of persons reporting on breaches of Union law."

Or. en

Amendment 79

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a

Regulation (EU, Euratom) No 883/2013

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The report *may* be accompanied by recommendations of the Director-General on action *to* be taken. Those recommendations shall, where appropriate, indicate any disciplinary, administrative, financial and/or judicial action by the institutions, bodies, offices and agencies

The report *shall* be accompanied by recommendations of the Director-General on *whether or not* action *should* be taken. Those recommendations shall, where appropriate, indicate any disciplinary, administrative, financial and/or judicial action by the institutions, bodies, offices

and by the competent authorities of the Member States concerned, and shall specify in particular the estimated amounts to be recovered, as well as the preliminary classification in law of the facts established.;

and agencies and by the competent authorities of the Member States concerned, and shall specify in particular the estimated amounts to be recovered, as well as the preliminary classification in law of the facts established.;

Or. en

Amendment 80
Kostas Chrysogonos

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point a
Regulation (EU, Euratom) No 883/2013
Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The report may be accompanied by recommendations of the Director-General on action to be taken. Those recommendations shall, where appropriate, indicate any disciplinary, administrative, financial and/or judicial action by the institutions, bodies, offices and agencies and by the competent authorities of the Member States concerned, and shall specify in particular the estimated amounts to be recovered, as well as the preliminary classification in law of the facts established.;

Amendment

The report may be accompanied by *well documented* recommendations of the Director-General on action to be taken. Those recommendations shall, where appropriate, indicate any disciplinary, administrative, financial and/or judicial action by the institutions, bodies, offices and agencies and by the competent authorities of the Member States concerned, and shall specify in particular the estimated amounts to be recovered, as well as the preliminary classification in law of the facts established.;

Or. en

Amendment 81
Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU, Euratom) No 883/2013
Article 11 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Upon simple verification of their authenticity, reports drawn up on that basis shall constitute admissible evidence in judicial proceedings of a non-criminal nature before national courts and in administrative proceedings in the Member States.

Amendment

Upon simple verification of their authenticity, reports drawn up on that basis, ***as well as the evidence supporting such reports***, shall constitute admissible evidence in judicial proceedings of a non-criminal nature before national courts and in administrative proceedings in the Member States.

Or. en

Amendment 82
Kostas Chrysogonos

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU, Euratom) No 883/2013
Article 11 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Office shall take proper internal measures to ensure the consistent quality of final reports and recommendations, and consider whether there is a need to revise the Guidelines on Investigation Procedures, to address any possible inconsistencies.

Or. en

Amendment 83
Sylvia-Yvonne Kaufmann

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU, Euratom) No 883/2013
Article 11 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

Reports drawn up by the Office shall

Reports drawn up by the Office shall

constitute admissible evidence in criminal proceedings of the Member State in which their use proves necessary in the same way and under the same conditions as administrative reports drawn up by national administrative inspectors. They shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative inspectors and shall have the same evidentiary value as such reports.

constitute admissible evidence in criminal proceedings of the Member State in which their use proves necessary in the same way and under the same conditions as administrative reports drawn up by national administrative inspectors. They shall be subject to the same evaluation rules as those applicable to administrative reports drawn up by national administrative inspectors and shall have the same evidentiary value as such reports. ***In that regard, such reports constitute acts that might adversely affect the persons concerned.***

Or. en

Justification

In line with the recommendations of the European Court of Auditors, it should be stipulated that the reports of the Office can adversely affect individuals, to ensure the right of those individuals to an effective remedy.

Amendment 84 **Kostas Chrysogonos**

Proposal for a regulation
Article 1 – paragraph 1 – point 10 – point b
Regulation (EU, Euratom) No 883/2013
Article 11 – paragraph 2 – subparagraph 5

Text proposed by the Commission

Reports drawn up by the Office shall constitute admissible evidence in judicial proceedings before the Union courts and in administrative proceedings in the Union.;

Amendment

Reports drawn up by the Office shall constitute admissible evidence in judicial proceedings before the Union courts and in administrative proceedings in the Union ***provided that they have been drawn up lawfully.***;

Or. en

Amendment 85 **Louis Michel, Gérard Deprez, Morten Helveg Petersen**

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point c a (new)

Regulation (EU, Euratom) No 883/2013

Article 11 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

(c a) the following paragraph 8a is added:

“8a. Once a year, a report shall be drawn up, under the authority of the Director-General. That report shall give an account of the follow up given by the competent authorities of the Member States following requests of assistance made by the Office pursuant to this Regulation. That report shall also give an account of the judicial follow up made by the competent authorities of the Member States on the basis of the results of the investigations made by the Office. The report shall respect data protection requirements and the confidentiality of investigations and shall be transmitted to the Commission, the Council and the European Parliament.”

Or. en

Amendment 86

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12a – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall, for the purposes of this Regulation, designate a service ('the anti-fraud coordination service') to facilitate effective cooperation and exchange of information, including information of an operational nature, with

1. Member States shall, for the purposes of this Regulation, designate a service ('the anti-fraud coordination service') to facilitate **quick and** effective cooperation and exchange of information, including information of an operational

the Office. Where appropriate, in accordance with national law, the anti-fraud coordination service may be regarded as a competent authority for the purposes of this Regulation.

nature, with the Office. Where appropriate, in accordance with national law, the anti-fraud coordination service may be regarded as a competent authority for the purposes of this Regulation.

Or. en

Amendment 87

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12a – paragraph 2

Text proposed by the Commission

2. Upon request of the Office, before a decision has been taken as to whether or not to open an investigation, as well as during or after an investigation, the anti-fraud coordination services shall provide, obtain or coordinate the necessary assistance for the Office to carry out its tasks effectively. That assistance shall include in particular the assistance from the national competent authorities provided in accordance with Article 3(6) and (7), Article 7(3) and Article 8(2) and (3).

Amendment

2. Upon request of the Office *or on their own initiative*, before a decision has been taken as to whether or not to open an investigation, as well as during or after an investigation, the anti-fraud coordination services shall provide, obtain or coordinate the necessary assistance for the Office to carry out its tasks effectively. That assistance shall include in particular the assistance from the national competent authorities provided in accordance with Article 3(6) and (7), Article 7(3) and Article 8(2) and (3).

Or. en

Amendment 88

Tomáš Zdechovský

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12c – paragraph 1

Text proposed by the Commission

Amendment

1. The Office shall **report to the EPPO** without undue delay **any** criminal conduct in respect of which the EPPO **could exercise** its competence in accordance with **Article 22 and Article 25(2) and (3)** of Regulation (EU) 2017/1939. The report shall be sent at any stage before or during an investigation of the Office.

1. The Office shall without undue delay **report to the EPPO on any indication of a** criminal conduct in respect of which the EPPO **exercises** its competence in accordance with **Articles 22 and 25** of Regulation (EU)2017/1939. The report shall be sent **without undue delay** at any stage before or during an investigation of the Office. **The EPPO may request the Office to send additional information setting a deadline for this transmission.**

Or. en

Amendment 89
Eva Joly

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12c – paragraph 1

Text proposed by the Commission

1. The Office shall report **to the EPPO** without undue delay any criminal conduct in respect of which the EPPO could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of Regulation (EU) 2017/1939. The report shall be sent at any stage before or during an investigation of the Office.

Amendment

1. The Office shall **immediately notify and** report without undue delay **to the EPPO** any criminal conduct in respect of which the EPPO could exercise its competence in accordance with Article 22 and Article 25(2) and (3) of Regulation (EU) 2017/1939. The **notification and the** report shall be sent at any stage before or during an investigation of the Office.

Or. en

Amendment 90
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12c – paragraph 2

Text proposed by the Commission

2. The report shall contain, as a minimum, a description of the facts, including an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.

Amendment

2. The report shall contain, as a minimum, a description of the facts, including an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.
Together with the report, the Office shall transmit to the EPPO any other available information, on the case, in its possession.

Or. en

Amendment 91
Tomáš Zdechovský

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12c – paragraph 2

Text proposed by the Commission

2. The report shall contain, as a minimum, a description of the facts, including an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.

Amendment

2. The report shall contain, as a minimum, a description of the facts, including an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.
In addition to that, Office shall include any other relevant facts related to the case that the Office has knowledge of.

Or. en

Amendment 92
Eva Joly

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013

Article 12c – paragraph 2

Text proposed by the Commission

2. The report shall contain, **as a minimum, a description of the** facts, including an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.

Amendment

2. The report shall contain **all the relevant facts and information known by the Office**, including an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.

Or. en

Amendment 93

Maria Grapini

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12c – paragraph 2

Text proposed by the Commission

2. The report shall contain, **as a minimum, a** description of the facts, **including** an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.

Amendment

2. The report shall contain **the** description of the facts, an assessment of the damage caused or likely to be caused the possible legal qualification and any available information about potential victims, suspects and any other involved persons.

Or. en

Amendment 94

Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12c – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

In cases where the information received by the Office does not include the elements set out in paragraph 2, and there is no investigation of the Office ongoing, the Office may conduct a preliminary evaluation of the allegations. The evaluation shall be carried out expeditiously, and in any case within two months of receipt of the information. In the course of this evaluation, Article 6 and Article 8(2) shall apply.

In cases where the information received by the Office does not include the elements set out in paragraph 2, and there is no investigation of the Office ongoing, the Office may conduct a preliminary evaluation of the allegations. The evaluation shall be carried out *as expeditiously as possible*, and in any case within two months of receipt of the information. In the course of this evaluation, Article 6 and Article 8(2) shall apply. *The Office shall refrain from performing any measures that may jeopardise any possible future investigations of the EPPO.*

Or. en

Amendment 95
Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12c – paragraph 3 – subparagraph 3

Text proposed by the Commission

Following this preliminary evaluation, the Office shall report to the EPPO if the conditions set out in paragraph 1 are met.

Amendment

Following this preliminary evaluation, *even if not all elements set out in paragraph 2 have been gathered*, the Office shall report to the EPPO if the conditions set out in paragraph 1 are met.

Or. en

Amendment 96
Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12c – paragraph 3 – subparagraph 3

Text proposed by the Commission

Following this preliminary evaluation, the Office shall report to the EPPO if the conditions set out in paragraph 1 are met.

Amendment

Following this preliminary evaluation, the Office shall **immediately** report to the EPPO if the conditions set out in paragraph 1 are met.

Or. en

Amendment 97
Tomáš Zdechovský

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12c – paragraph 4 – subparagraph 2

Text proposed by the Commission

For the purpose of applying the first subparagraph, the Office shall verify in accordance with Article 12g(2) **via the EPPO's case management system** whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to such a request **within 10 working days**.

Amendment

For the purpose of applying the first subparagraph, the Office shall verify in accordance with Article 12g(2) whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to such a request **without undue delay**.

Or. en

Amendment 98
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12c – paragraph 5

Text proposed by the Commission

5. The institutions, bodies, offices and agencies may request the Office to conduct a preliminary evaluation of allegations reported to them. For the purposes of those

Amendment

5. The institutions, bodies, offices and agencies may request the Office to conduct a preliminary evaluation of allegations reported to them. For the purposes of those

requests, paragraph 3 shall apply.

requests, paragraph 3 shall apply. ***This shall not delay timely reporting to the EPPO.***

Or. en

Amendment 99
Tomáš Zdechovský

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12d – paragraph 2

Text proposed by the Commission

For the purpose of applying the first subparagraph, the Office shall verify in accordance with Article 12g(2) ***via the EPPO's case management system*** whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to such a request ***within 10 working days***.

Amendment

For the purpose of applying the first subparagraph, the Office shall verify in accordance with Article 12g(2) whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to such a request ***without undue delay***.

Or. en

Amendment 100
Maria Grapini

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12d – paragraph 2

Text proposed by the Commission

For the purpose of applying the first subparagraph, the Office shall verify in accordance with Article 12g(2) ***via the EPPO's case management system*** whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to

Amendment

For the purpose of applying the first subparagraph, the Office shall verify in accordance with Article 12g(2) ***via the EPPO's case management system*** whether the EPPO is conducting an investigation. The Office may request further information from the EPPO. The EPPO shall reply to

such a request within **10** working days.

such a request within **15** working days.

Or. en

Amendment 101

Sylvia-Yvonne Kaufmann

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12e – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Where OLAF provides support to the EPPO in the form of an administrative investigation in accordance with paragraph 1, the procedural safeguards laid down in Chapter VI of Regulation 2017/1939 shall apply to that administrative investigation.

Or. en

Justification

In line with the recommendations of the European Court of Auditors conclusions, it is important to clarify that for criminal investigations, the criminal procedural safeguards laid down in the EPPO Regulation always apply.

Amendment 102

Eva Joly

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12e – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. The standards of the procedural guarantees stipulated in Council Regulation (EU) 2017/1939 shall also apply to evidence collected by the Office in these cases. The Court of Justice of the

European Union remains competent to review procedural acts conducted by OLAF on behalf of the EPPO, if those acts are intended to produce legal effects vis-à-vis third parties.

Or. en

Amendment 103

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12e – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. When the Office conducts administrative investigations pursuant to paragraph 1 (c), the procedural guarantees foreseen in Regulation 2017/1939 apply to such investigations. All procedural acts taken by the Office can be subject to review of the Court of Justice of the European Union.

Or. en

Amendment 104

Tomáš Zdechovský

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12f – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Within **30** days after receipt of this information the EPPO may object to the opening of an investigation or to the performance of certain acts pertaining to the investigation, where necessary to avoid

Within **10 working** days after receipt of this information the EPPO may object to the opening of an investigation or to the performance of certain acts pertaining to the investigation, where necessary to avoid

jeopardising its own investigation or prosecution, and for as long as these grounds persist. The EPPO shall notify to the Office without undue delay when the grounds for the objection cease to apply.

jeopardising its own investigation or prosecution, and for as long as these grounds persist. The EPPO shall notify to the Office without undue delay when the grounds for the objection cease to apply.

Or. en

Amendment 105

Eva Joly

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12f – paragraph 1 – subparagraph 2

Text proposed by the Commission

Within **30** days after receipt of this information the EPPO may object to the opening of an investigation or to the performance of certain acts pertaining to the investigation, where necessary to avoid jeopardising its own investigation or prosecution, and for as long as these grounds persist. The EPPO shall notify to the Office without undue delay when the grounds for the objection cease to apply.

Amendment

Within **10** days after receipt of this information the EPPO may object to the opening of an investigation or to the performance of certain acts pertaining to the investigation, where necessary to avoid jeopardising its own investigation or prosecution, and for as long as these grounds persist. The EPPO shall notify to the Office without undue delay when the grounds for the objection cease to apply.

Or. en

Amendment 106

Tomáš Zdechovský

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12f – paragraph 1 – subparagraph 3

Text proposed by the Commission

In the event that the EPPO does not object within ***the time period of the previous subparagraph***, the Office may open an

Amendment

In the event that the EPPO does not object within ***10 working days***, the Office may open an investigation, and it shall conduct

investigation, and it shall conduct it in close consultation with the EPPO.

it in close consultation with the EPPO.

Or. en

Amendment 107
Monica Macovei

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12f – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Where the EPPO becomes aware, through the case management system checking mechanism, referred to in Article 12g that the Office is conducting an investigation into the same facts, which the EPPO also wishes to investigate, it shall inform the Office within 24 hours. In such a case, the Office shall close its investigation, unless the EPPO requests the Office to support or complement its activities in accordance to Article 12e.

Or. en

Amendment 108
Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12g – paragraph 1

Text proposed by the Commission

Amendment

1. Where necessary to facilitate the cooperation with the EPPO as set out in Article 1(4a), the Office shall agree with the EPPO on administrative arrangements.

1. Where necessary to facilitate the cooperation with the EPPO as set out in Article 1(4a), the Office shall agree with the EPPO on administrative arrangements.

Such working arrangements may establish practical details for the exchange of information, including personal data, operational, strategic or technical information and classified information. They shall include detailed arrangements on the continuous exchange of information during the receipt and verification of allegations by both offices.

Such working arrangements may establish practical details for the exchange of information, including personal data, operational, strategic or technical information and classified information. They shall include detailed arrangements on the continuous exchange of information during the receipt and verification of allegations by both offices. ***The Director General of the Office and the European Chief Public Prosecutor shall meet at least once year to discuss matters of common interest.***

Or. en

Amendment 109
Monica Macovei

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12g – paragraph 2

Text proposed by the Commission

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO to have access to information in its case management system on the basis of a hit/no-hit system.;

Amendment

2. ***The EPPO shall designate a person to verify the EPPO case management system, on the basis of a hit/no hit system, for the purpose of identifying and avoiding any case duplication situations with the Office or any other law enforcement authorities.***

The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system, ***via the EPPO designated person. Before opening an investigation, the Office shall consult the EPPO's case management system in order to identify***

whether the EPPO is already conducting an investigation into the same facts.

Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be ***automatically*** communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO to have access to information in its case management system on the basis of a hit/no-hit system. ***Access to the EPPO's case management system shall be limited to the purpose of applying Articles 12c to 12g. The Office shall keep a log of all instances of access to the EPPO's case management system and shall provide concrete justifications for requiring access to the EPPO's case management system. The results obtained from such access shall be subject to the rules on confidentiality and data protection in Article 10.***

Or. en

Amendment 110
Sylvia-Yvonne Kaufmann

Proposal for a regulation
Article 1 – paragraph 1 – point 12
Regulation (EU, Euratom) No 883/2013
Article 12g – paragraph 2

Text proposed by the Commission

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO

Amendment

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO

to have access to information in its case management system on the basis of a hit/no-hit system.;

to have access to information in its case management system on the basis of a hit/no-hit system. *Each indirect access to information in EPPO'S case management system by OLAF shall be carried out only for and in so far as necessary for the performance of OLAF's functions as defined under this Regulation and shall be duly motivated and validated via an internal procedure set up by OLAF.;*

Or. en

Amendment 111

Eva Joly

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Regulation (EU, Euratom) No 883/2013

Article 12g – paragraph 2

Text proposed by the Commission

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO to have access to information in its case management system on the basis of a hit/no-hit system.;

Amendment

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO to have *indirect* access to information in its case management system on the basis of a hit/no-hit system.;

Or. en

Amendment 112

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 12

Text proposed by the Commission

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO to have access to information in its case management system on the basis of a hit/no-hit system.;

Amendment

2. The Office shall have indirect access to information in the EPPO's case management system on the basis of a hit/no hit system. Whenever a match is found between data entered into the case management system by the Office and data held by the EPPO, the fact that there is a match shall be communicated to both the EPPO and the Office. The Office shall take appropriate measures to enable the EPPO to have **a quick** access to information in its case management system on the basis of a hit/no-hit system.;

Or. en

Amendment 113

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 12 a (new)

Regulation (EU, Euratom) No 883/2013

Article 15 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

(12 a) Article 15 is amended as follows:

(a) the following paragraph 9a is added:

"The Supervisory Committee shall appoint a fundamental rights officer among its members. The fundamental rights officer shall monitor the compliance of the Office with fundamental rights and procedural guarantees. The fundamental rights officer shall address opinions and, where appropriate, recommendations to the Supervisory Committee on the activities and investigations conducted by the Office. The opinions and the

recommendations of the fundamental rights officer are included in the reports of the Supervisory Committees pursuant to paragraph 9 of the present article.";

Or. en

Amendment 114

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 13 – point a

Regulation (EU, Euratom) No 883/2013

Article 16 – paragraph 1

Text proposed by the Commission

Representatives of the Court of Auditors, *the EPPO*, Eurojust and/or Europol may be invited to attend on an ad hoc basis upon request of the European Parliament, the Council, the Commission, the Director-General or the Supervisory Committee.;

Amendment

The Chief European Public Prosecutor is invited to participate in the exchange of views. Representatives of the Court of Auditors, Eurojust and/or Europol may be invited to attend on an ad hoc basis upon request of the European Parliament, the Council, the Commission, the Director-General or the Supervisory Committee.;

Or. en

Amendment 115

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 14 – point a a (new)

Regulation (EU, Euratom) No 883/2013

Article 17 – paragraph 4

Present text

4. The Director-General shall report regularly to the European Parliament, the Council, the Commission and the Court of Auditors on the findings of investigations

Amendment

(a a) paragraph 4 is replaced by the following:

"4. The Director-General shall report regularly to the European Parliament, the Council, the Commission, *the EPPO* and the Court of Auditors on the findings of

carried out by the Office, the action taken and the problems encountered, whilst respecting the confidentiality of the investigations, the legitimate rights of the persons concerned and of informants, and, where appropriate, national law applicable to judicial proceedings.

investigations carried out by the Office, the action taken and the problems encountered, whilst respecting the confidentiality of the investigations **and data protection principles**, the legitimate rights of the persons concerned and of informants, and, where appropriate, national law applicable to judicial proceedings.'"

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0883>)

Amendment 116

Louis Michel, Gérard Deprez, Morten Helveg Petersen

Proposal for a regulation

Article 1 – paragraph 1 – point 14 a (new)

Regulation (EU, Euratom) No 883/2013

Article 19

Present text

By 2 October 2017, the Commission shall submit to the European Parliament and the Council an evaluation report on the application of this Regulation. That report shall be accompanied by an opinion of the Supervisory Committee and shall state whether there is a need to amend this Regulation.

Amendment

(14 a) Article 19 is replaced by the following:

"By 31 December 2022, the Commission shall submit to the European Parliament and the Council an evaluation report on the application of this Regulation. **The report shall evaluate in particular the efficiency of the cooperation between the Office and the EPPO.** That report shall be accompanied by an opinion of the Supervisory Committee and shall state whether there is a need to amend this Regulation."

Or. en

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32013R0883>)